



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, DC 20350-2000

3710  
Ser N98/15U142036  
28 Jan 2015

(b)(6)

Office of Regional Counsel  
Western-Pacific Region  
Federal Aviation Administration  
P.O. Box 92007  
Los Angeles, CA 90009-2007

(b)(6)

This is the final response to your letter of June 11, 2014, FAA Case No. 2014WP090043, concerning an alleged violation of the Federal Aviation Regulations by the pilot of RAIDR10 on February 15, 2014.

The Department of the Navy investigation revealed RAIDR10 requested tower to tower clearance from MCAS Camp Pendleton (NFG) to MCAS Miramar (NKX). During the brief flight, RAIDR10 entered the McClellan-Palomar Airport Class D at 2500 ft without establishing two-way radio communications. RAIDR10's operation was an unintentional violation of Section 91.129(c) of the 14 Code of Federal Regulations.

This event identified several areas being addressed in the training curriculum and with squadron aircrew to preclude further violations. The primary causal factor was a failure of the crew to understand the level of air traffic control service provided during a tower to tower flight clearance.

This office has determined that no flight violation will be awarded and no further action is necessary. My point of contact in this issue is (b)(6) (N980A), (703) 614 (b)(6) or (b)(6) navy.mil.

(b)(6)

Commander, U.S. Navy  
By direction

Copy to:  
NAVREP Western-Pacific Service Area (ANM-903)



**UNITED STATES MARINE CORPS**

3D MARINE AIRCRAFT WING  
MARINE CORPS AIR STATION MIRAMAR  
P.O. BOX 452038  
SAN DIEGO, CALIFORNIA 92145-2038

IN REPLY REFER TO:

5830

SJA

21 JAN 2015

SECOND ENDORSEMENT on CO VMGR 352's ltr 5800 of 10 SEP 14

From: Commanding General, Third Marine Aircraft Wing  
To: Chief of Naval Operations (CNO) (N980A)

Subj: COMMAND INVESTIGATION INTO ALLEGED FLIGHT VIOLATION BY  
RAIDR10 ON 15 FEBRUARY 2014

Ref: (a) JAGINST 5800.7 (JAGMAN), Chapter II

1. Forwarded. The subject line has been changed for administrative accuracy.
2. The investigation is in substantial compliance with the reference. The findings of fact, opinions, and recommendations of the Investigating Officer are approved as endorsed by the Squadron and Group Commander. (b)(6)

Chief of Staff

Copy to:  
CO, VMGR-352  
CO, MAG-11  
FILE



UNITED STATES MARINE CORPS  
MARINE AIRCRAFT GROUP 11  
3D MARINE AIRCRAFT WING  
MARINE CORPS AIR STATION MIRAMAR  
PO BOX 452039  
SAN DIEGO, CA 92145-2039

IN REPLY REFER TO:  
5800  
ADJ  
24 SEP 2014

FIRST ENDORSEMENT on CO, VMGR352's ltr 5000 CO of 10 Sep 14

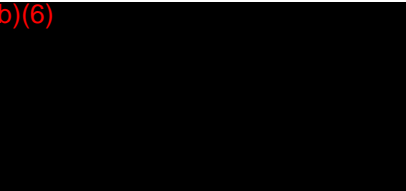
From: Commanding Officer, Marine Aircraft Group 11  
To: Chief of Naval Operations (CNO), N980A  
Via: Commanding General, 3d Marine Aircraft Wing

Subj: REQUEST FOR INVESTIGATION INTO ALLEGED FLIGHT VIOLATION BY RAIDR10 ON  
FEBRUARY 15, 2014

1. Forwarded in concurrence with the Squadron Commander.

2. The point of contact for this matter is the Adjutant, (b)(6)  
(b)(6) at (858) 577-(b)(6).

(b)(6)





**UNITED STATES MARINE CORPS**  
MARINE AERIAL REFUELER TRANSPORT SQUADRON 352  
MARINE AIRCRAFT GROUP 11  
3D MARINE AIRCRAFT WING, MARFORPAC  
PO BOX 452046  
MCAS MIRAMAR, SAN DIEGO CA 92145 - 2046

IN REPLY REFER TO:  
5000  
CO  
10 SEP 2014

From: Commanding Officer, Marine Aerial Refueler Transport Squadron 352  
To: Chief of Naval Operations (CNO), N980A  
Via: Commanding Officer, Marine Aircraft Group 11  
Via: Commanding General, 3d Marine Aircraft Wing

Subj: REQUEST FOR INVESTIGATION INTO ALLEGED FLIGHT VIOLATION BY RAIDR10  
ON FERUARY 15, 2014

Ref: (a) OPNAVINST 3710.7  
(b) Dir, Air Warfare (N98) ltr dtd 20 Jun 14

Encl (1) VMGR-352 Command Investigation into the Case of an Alleged  
Flight Violation by RAIDR10

1. Enclosure (1) satisfies requirements of reference (b).

2. Through the Findings of Fact, Opinions, and statements contained within the enclosure, it is evident that the crew of RAIDR10 violated the Class D airspace of McClellan-Palomar airport due to lack of proper flight planning. In the summary of the interview with the Aircraft Commander of RAIDR10, the Aircraft Commander states that she thought 2,500 feet MSL was enough altitude to clear McClellan-Palomar Airport's Class D airspace. The copy of the sectional contained within Enclosure (1) clearly shows the top of the airport's Class D airspace is at 2,800 feet MSL.

3. Besides the lack of flight planning, I believe this occurred due to two factors.

a. The aircrew did not understand what they were asking for when they asked MCAS Camp Pendleton ATC to coordinate a tower-to-tower clearance. I believe they thought they were asking for a higher level of ATC control, similar to flight following when flying under VFR rules. What in fact happened was that MCAS Camp Pendleton Base Ops personnel called MCAS Miramar Base Ops personnel to tell them the RAIDR10 was taking off and to expect their arrival 30 minutes later. This is merely for tracking purposes and to start SAR efforts if they do not arrive. From the statements from the pilots, it is evident they were expecting more. This belief is consistent with an informal survey across the pilots in this squadron. In fact, my Executive Officer overheard another aircraft in the pattern yesterday at NAF El Centro request to cancel his tower-to-tower clearance to NAS North Island, which El Centro tower replied in the affirmative that they would do.

b. The interaction with MCAS Camp Pendleton ATC personnel supported the aircrew's belief that they would receive a higher level of ATC control. In my conversation with the ATC manager at MCAS Camp Pendleton, he stated that normally a tower-to-tower aircraft is told they are "cleared to switch" shortly after take-off, but no later than leaving MCAS Camp Pendleton's Class D airspace. The pilots' statements contradict this when they say that they were talking with Camp Pendleton tower crossing the extended centerline of McClellan-Palomar airport when they reported the helicopter in sight. Previous to that, Camp Pendleton tower had given



Subj: REQUEST FOR INVESTIGATION INTO ALLEGED FLIGHT VIOLATION BY RAIDR10  
ON FERUARY 15, 2014

them another traffic advisory, which would again reinforce the aircrew's belief that they were under some level of positive control. Had Camp Pendleton tower instructed the crew of RAIDR10 to switch to SoCal approach as is their procedure, the aircrew may have been more alert to the fact that they were not under control of an ATC agency or they may have received flight following from SoCal TRACON.

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4. Ultimately, it is the Aircraft Commander's responsibility to conduct proper flight planning and maintain necessary clearance from controlled airspace. In this instance, there was no malice or flagrant violation of the FARs or OPNAVINST 3710.7U. They were uneducated as to what level of control ATC would provide them with a tower-to-tower clearance, and through their interaction with Camp Pendleton tower, were led to believe their concept of a tower-to-tower clearance involved a higher level of control. Nonetheless, they entered the McClellan-Palomar Class D Airspace without clearance and were not talking with the airport's controlling agency.

5. Following the incident, the pilots discussed the sequence of events with the other pilots of the squadron. I will be reiterating those lessons with the squadron pilots in light of this investigation. The Aircraft Commander has made a Permanent Change of Station (PCS) move from the squadron and is no longer under my authority.

6. Recommendation.

a. I recommend that, as an institution, we better define and teach what a "tower-to-tower" clearance consists of. This should be taught at Flight School and reinforced at the Fleet Replacement Squadron level and further during annual Instrument Ground School courses.

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b. In light of recommendation (a) above, I recommend that the Aircraft Commander of RAIDR10 receive no official flight violation on her record, as she requested and performed the clearance as she had been taught previously and was reinforced through communication with Camp Pendleton tower. Yes, she did improperly flight plan; but this incident has raised the awareness and knowledge of what a tower-to-tower clearance consists of across this squadron, possibly preventing more incidents from happening, and if recommendation (a) is implemented, untold number of incidents.

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